

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
PLAINTIFF,	:	
	:	CASE NO. 1:02-cv-367
V.	:	(consolidated with 1:02-cv-359,
	:	1:02-cv-388, 1:02-cv-431, and
	:	1:02-cv-474)
REAL PROPERTY KNOWN AND	:	
NUMBERED AS 2467 LEGENDS WAY,	:	
CRESTVIEW HILLS, KENTON	:	
COUNTY, KENTUCKY , WITH ALL	:	
APPURTENANCES, IMPROVEMENTS,	:	
AND ATTACHMENTS THEREON, et al.,	:	
DEFENDANTS.	:	
	:	

CONSENT JUDGMENT OF FORFEITURE

1. On May 21, 2004, the United States filed a Complaint for Forfeiture in Rem in 1:02-cv-359 against certain defendant property (Doc. 1).

2. On May 24, 2002, the United States filed a Complaint for Forfeiture in Rem in 1:02-cv-367 against certain defendant property (Doc. 1).

3. On May 30, 2002, the United States filed a Complaint for Forfeiture in Rem in 1:02-cv-388 against certain defendant property (Doc. 1).

4. On June 28, 2002, the United States filed a Complaint for Forfeiture in Rem in 1:02-cv-474 against certain defendant property (Doc. 1).

5. The Court recognized its jurisdiction by issuing Writs of Entry (1:02-cv-359, Doc. 9; 1:02-cv-367, Doc. 5; 1:02-cv-388, Doc. 22) by issuing Warrants of Arrest in Rem (1:02-cv-367, Doc. 24; 1:02-cv-474, Doc. 3).

6. On June 13, 2002, the Court consolidated 1:02-cv-367 (lead case) with 1:02-cv-359

and 1:02-cv-388 (1:02-cv-359, Doc. 13; 1:02-cv-367, Doc. 7; 1:02-cv-388, Doc. 26). The Court later added C-1-02-474 as a related case.

7. The United States gave statutorily and constitutionally sufficient notice of its intent to forfeit the defendants in 1:02-cv-359 by certified mail notice (Docs. 18-21, 28, 29, 35, 39). Certain claimants filed claims and answers contesting the forfeiture of certain defendant property (Docs. 16, 23, 24, 25, 27, 31, 33, 34, 37, 42, 43).

8. The United States gave statutorily and constitutionally sufficient notice of its intent to forfeit the defendants in 1:02-cv-367 by certified mail notice (Docs. 23, 34, 41, 42, 44-49, 51, 57, 58, 59, 62, 76, 77, 83, 84, 103, 115). Certain claimants filed claims and answers contesting the forfeiture of certain defendant property (Docs. 8, 10, 11, 18, 27, 35-39, 68-74, 79-81, 86, 88, 89, 92, 95, 106, 107, 109, 139, 140).

9. The United States gave statutorily and constitutionally sufficient notice of its intent to forfeit the defendants in 1:02-cv-388 by certified mail notice (Docs. 39-42, 48-50, 53, 79). Certain claimants filed claims and answers contesting the forfeiture of certain defendant property (Docs. 27-30, 34-37, 59, 62, 63, 76).

10. The United States gave statutorily and constitutionally sufficient notice of its intent to forfeit the defendants in 1:02-cv-474 by certified mail notice (Doc. 10). Certain claimants filed claims and answers contesting the forfeiture of certain defendant property (11, 13).

11. The United States has dismissed certain defendants (1:02-cv-359, Doc. 41; 1:02-cv-367, Docs. 13, 66, 90, 96, 98, 100, 112, 117, 119, 120, 127, 128, 130, 137, 144; 1:02-cv-388, Docs. 57, 67, 69, 71, 73, 77, 81, 83, 84, 86, 88, 89).

12. By way of a Stipulation to amend the United States' Complaint, it has substituted for

the defendant real property known and numbered as 988 Appleblossom Drive, Villa Hills, Kentucky, the defendant real property known and numbered as 1032 Cedar Brook Drive, Villa Hills, Kentucky (1:02-cv-359, Doc. 14).

13. Marc C. Menne and Alice Menne agree to forfeit a one-half interest in the equity in the defendant real property known and numbered as 1032 Cedar Brook Drive, Villa Hills, Kentucky in the form of a lien in favor of the United States as evidenced by this Consent Judgment of Forfeiture, which lien shall be paid to the United States upon the sale of the defendant real property. Marc C. Menne and Alice Menne will, on or before July 15, 2004, execute a note and second mortgage lien against 1032 Cedar Brook Drive, Villa Hills, Kentucky, to secure to the United States its one-half interest in the equity in the defendant real property, and they agree to the entry of this Consent Judgment of Forfeiture to effectuate that forfeiture.

14. The United States has substituted for the defendant real property known and numbered as 11100 Harbour Yacht Court 42-C, Fort Meyers, Florida, the defendant \$29,026.18 from the sale of the real property (1:02-cv-367, Doc. 142).

15. John O. Finnan and Susan Finnan and Marc C. Menne and Alice Menne agree, individually and on behalf of JAMS Properties, LLC, that all of their right, title, and interest in the defendant \$29,026.18 is hereby forfeited to the United States and that they shall have no further interest in the defendant \$29,026.18 and that they agree to the entry of this Consent Judgment of Forfeiture to effectuate the forfeiture of the defendant \$29,026.18.

16. John O. Finnan agrees to abide by the term of his Plea Agreement in the Eastern District of Kentucky and agrees to relinquish to Peoples Bank of Northern Kentucky, Inc. the stock, which is further described as: Certificate #2143 for 16,893 shares of stock in Peoples

Bancorporation of Northern Kentucky, Inc. in the name of John O. Finnan; and Certificate #2144 for 19,708 shares of stock in Peoples Bancorporation of Northern Kentucky, Inc. in the name of John O. Finnan. In return, the United States agrees not to forfeit the stock in 1:02-cv-367 and hereby releases it as a defendant effective on the date the defendant is sentenced or the date John O. Finnan relinquishes the stock to Peoples Bank of Northern Kentucky, Inc. , whichever occurs first.

17. John O. Finnan and Susan Finnan and Marc C. Menne and Alice Menne agree, individually and on behalf of JAMS Properties, LLC, that all of their right, title, and interest in the net proceeds of the sale of any unreleased and undismissed defendant real property owned by JAMS Properties, LLC is hereby forfeited to the United States, that they shall have no further interest in such defendant real property or net proceeds thereof, and that they agree to the entry of this Consent Judgment of Forfeiture to effectuate the forfeiture of any such net proceeds.

18. With the agreement of the United States and John O. Finnan and Susan Finnan and Marc C. Menne and Alice Menne, the contents of account number 7043171, in the name of JAMS Properties, LLC formerly at Peoples Bank of Northern Kentucky, have been used to pay expenses in the sale of certain defendant real property in 1:02-cv-388. The balance in the account is \$12,496.66 as of April 7, 2004.

19. John O. Finnan and Susan Finnan and Marc C. Menne and Alice Menne agree, individually and on behalf of JAMS Properties, LLC, that all of their right, title, and interest in the contents of account number 7043171, in the name of JAMS Properties, LLC formerly at Peoples Bank of Northern Kentucky is hereby forfeited to the United States, that they shall have no further interest in the funds, and that they agree to the entry of this Consent Judgment of

Forfeiture to effectuate that forfeiture.

Release of Claims

Each undersigned person, individually and on behalf of Jams Properties, LLC,

1. withdraws any claim he/she may have to the defendant property named in these civil forfeiture actions, including, but not limited to any claim he/she may have to interest, costs, and attorney fees, with respect to the seizure and these forfeiture actions.

2. agrees not to contest the forfeiture to the United States of the defendant property named in these civil forfeiture actions as set forth in this Consent Judgment of Forfeiture.

3. agrees not to contest that there was reasonable and probable cause to seize the defendant property and to bring the forfeiture actions against the defendant property.

4. agrees that he/she did not substantially prevail in these civil forfeiture actions against the defendant property.

5. agrees to release and hold harmless the United States and its agencies and any state or local agencies, their agents, servants, employees, and officers acting in their individual or official capacities, from any and all claims, demands, causes of action or suits, of whatever kind and description, and wheresoever situated, that might exist or may arise as a result of the seizure, forfeiture action, and/or settlement regarding the defendant property.

I have read and understand the Consent Judgment of Forfeiture, including the Release of Claims, and have discussed the it with counsel, and I knowingly and voluntarily agree to it individually

and on behalf of JAMS Properties, LLC:

John O. Finnan
John O. Finnan

6-22-04
Date

Susan Finnan
Susan Finnan

6-22-04
Date

Marc C. Menne
Marc C. Menne

6-22-04
Date

Alice Menne
Alice Menne

6-22-04
Date

It is so ordered:

S. Arthur Spiegel
S. Arthur Spiegel
SENIOR UNITED STATES DISTRICT JUDGE